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Brian D. Kaul
WESTMAN CHAMPLIN & KELLY
Suite 1600 - International Centre
900 South Second Avenue
Minneapolis, MN 55402-3319

EXAMINER

BUTLER, MICHAEL E

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

Application Number: 09/739080

Filing Date: 12/15/00

Appellant(s): Lentz et al.

Brian D. Kaul
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 6/02/03.

Art Unit: 3653

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. The appellant's brief states there are no related appeals or interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is substantially correct. Upon review of applicant's arguments, the anticipatory rejections under 35 U.S.C. 102 evidenced by Provost to dependent claims 34 and 39 are withdrawn as Provost does not necessarily use HTML as necessarily defined by the Microsoft Computer dictionary but clearly shown with the combined secondary reference of Knowlton et al. '692.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the first paragraph of section (4) of the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

Art Unit: 3653

The appellant's statement of the issues in the brief are broadly correct as merely summarizing the claims' status. However, the statement of issues fails to detail any the factual and legal issues determinative on the status of the claims.

Whether the OrdaCad system has hardware, has a network adapter, and a web client.

Whether the Ordacad system has a web browser.

Whether the Ordacad system has a server.

Whether Provost has a web client and network connections.

Whether Provost has a server.

Whether Watanabe has a web client.

Whether Watanabe has a server.

Whether D'Entremont et al. has a web client.

Whether D'Entromont et al. has a web server.

Whether Provost or Knowlton et al. '692 have or suggests a browser.

Whether Knowlton et al. '692 has or suggests a web page.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 35 and 36 stand or fall together and all other claims stand alone.

(8) *Claims Appealed*

Art Unit: 3653

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|---------------------|--------------------|---------|
| Business Wire, Inc. | OrdaCard | 10/1998 |
| 6,335,799 | Provost | 1/2002 |
| 5,717,776 | Watanabe | 2/1998 |
| 5,646,388 | D Entremont et al. | 7/1997 |
| 5,973,692 | Knowlton et al. | 10/1999 |

(10) *Grounds of Rejection*

Claim Rejections - 35 USC § 102

1. Claims 33-34, 39, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by OrdaCard which discloses:

(re: cl 33) An ID card personalization device comprising: a card print mechanism (L2), a network and adapter (L1 & L2-4), web client (L13);

(re: cl 34) web browser subscribed to data for web client (L3);

(re: cl 39) data subscription services (L3, enrollment)

(re: cl 49) web server for serving data (L 13).

Art Unit: 3653

2. Claims 33 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Provost which discloses:

(re: cl 33) An ID card personalization device comprising: a card print mechanism (106), a network and adapter (c5 L 37-38), web client (c5 L 15; c5 L 29-40);

(re: cl 49) web server for serving data (c5 L 29-40;102).

3. Claims 33 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe. Watanabe discloses:

(re: cl 33) An ID card personalization device comprising: a card print mechanism (c2 L 49-53) a network and adapter (c4 L 27-43), web client (39);

(re: cl 49) web server for serving data (38).

4. Claims 33 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Entremont et al. which discloses:

(re: cl 33) An ID card personalization device comprising: a card print mechanism (c 6 L 7-36), a network and adapter (c7 L 8-17), web client (22);
(re: cl 49) web server for serving data (20; c6 L50-63).

Claim Rejections - 35 USC § 103

5. Claims 33-36, 39, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over OrdaCard and Knowlton et al. '692, with OrdaCard disclosing

Art Unit: 3653

the elements previously discussed. Knowlton et al. '692 discloses the elements not inherently disclosed by OrdaCard of:

(re: cl 35) web page containing links to information (c11 L 14-36);

(re: cl 36) links are selected from the group: html and xml (c 11 L 14-36).

It would have been obvious at the time of the invention for OrdaCard to use web pages containing links so as to allow wide-based and disparate customers the opportunity to place orders from remote locations and it would have been obvious to use a universally used common language as HTML to permit those divers customers the opportunity to place orders remotely as taught by Knowlton '692 and come up with the instant invention. Knowlton et al. '692 also teaches web clients, web servers, network adapters, browsers, subscription services taught by the base reference.

6. Claims 33-36, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provost and Knowlton et al. '692, with Provost disclosing the elements previously discussed and further disclosing:

Knowlton '692 discloses the elements not inherently disclosed by Provost of:

(re: cl 34) a web browser (c10 L 35-61, html element that was not inherent with Provost is clearly present with secondary reference Knowlton et al. '692).

(re: cl 35) web page containing links to information (c11 L 14-36);

Art Unit: 3653

(re: cl 36) links are selected from the group: html and xml (c 11 L 14-36).

It would have been obvious at the time of the invention for Provost to use a web browser to display web pages containing links so as to allow wide-based and disparate customers the opportunity to place orders from remote locations and it would have been obvious to use a universally used common language as HTML to permit those diverse customers the opportunity to place orders remotely as taught by Knowlton '692 and come up with the instant invention. Knowlton et al. '692 also teaches web clients, web servers, network adapters, browsers, subscription services taught by the base reference.

Response to Arguments

7. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections but for applicant's browser arguments concerning claims 34 and 39 pertaining to Provost.

OrdaCad

(Re: cl 33) The applicant alleges OrdaCad lacks hardware. However, an Indigo offset digital printer is hardware. The applicant alleges OrdaCad lacks a network adapter, however an "internet connection" is a network adapter.

Applicant alleges Ordacad lacks an Internet connection. However, Ordacad even explicitly uses the word "client" not even a reasonably disputable synonym.

Art Unit: 3653

(Re: cl 34) Applicant alleges no browser, but remote internet access inherently requires browser.

(Re: cl 49) Applicant alleges the references' server is external. Servers at service bureau site integrated with the printer, that can certainly be construed as within a scope paradigm as with the device. Once the web client is connected to the printer it becomes a part of the ID personalization device.

Provost

(Re: cl 33) Applicant alleges that there is no web client. The Microsoft computer dictionary (Third Edition 1992) defines a web client as:

(def2) process that requests a service provided by another program;

(def3) a computer that accesses shared network resources.

Both definitions 2 and 3 are satisfied- the pc has processes which access the server/printer as shared resources.

Applicant alleges that there is no network adapter. However, a "network connection" inherently requires at minimum a hardware adapter.

(Re: cl 49) Applicant alleges that there is no server. However, the host computer is the server.

Watanabe

Art Unit: 3653

(Re: cl 33) Applicant alleges Watanabe has no web client. However, the terminal which reference states may be a computer is a web client per the previously discussed microsoft computer dictionary definition 3.

(Re: cl 49) Applicant alleges server separate from the printer. However, servers at the site integrated with the printer, that can certainly be construed as within a scope paradigm as with the device. Once the web client is connected to the printer it becomes a part of the ID personalization device.

D'Entremont et al.

(Re: cl 33) Applicant argues the image acquisition unit comprising a web client are separate component from the printer. Once the web client is connected to the printer, it becomes a web client having a modem and transmitting data the server, this client once so connected becomes a part of the ID personalization device.

(Re: cl 49) Applicant argues there is no web server. But an image server is clearly a web networked device with network connection.

103 rejections

Ordacad and Knowlton et al. '692

(Re: cl 35/36) Applicant asserts there is no web page. However, clicking on an image at a server to get the link—clearly a web page being described. Knowlton discloses a HTML web page with links.

Art Unit: 3653

Provost and Knowlton et al. '692

(Re: cl 35/36) Applicant asserts there is no web page. However, clicking on an image at a server to get the link—clearly a web page being described. Knowlton discloses a HTML web page with links.

(Re: cl 34) Applicant argues Knowlton et al. '692 fails to remedy the absence of a browser. As shown above, Knowlton et al. '692 uses a web browser to display HTML web pages containing links.

SUMMARY

As the anticipatory references show the hardware based network connections, web clients, and network connection, the independent claim rejections ought be affirmed.

Further, a connected component becomes a part of the device, the rejections to claim 49 ought be affirmed. As OrdaCad discloses data subscription services, the claim 39 rejections ought be affirmed. Further, as Knowlton et al. '692 discloses a web browser to display HTML web pages containing links, the rejections to dependent claims 34-36 ought be affirmed.

Art Unit: 3653

Examiner certifies preceding word count at: 1677 Words.

Respectfully submitted,

Michael E. Butler

Michael E. Butler

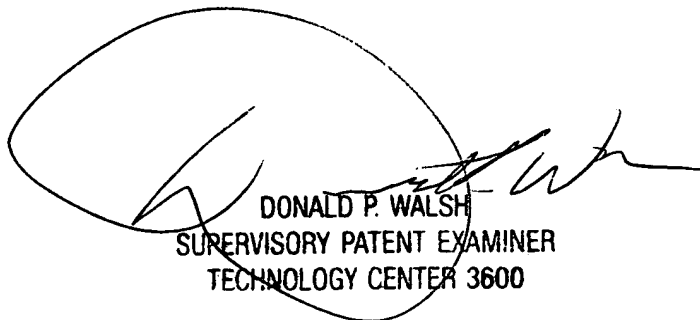
8/11/03

Conferees:

Michael Butler

Donald Walsh

Koi Tran


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600